

# **EXHIBIT 1**

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**From:** Gonzalez, Arturo J.  
**Sent:** Saturday, January 27, 2018 4:28 PM  
**To:** Andrea P Roberts; 'John Cooper'; Chang, Esther Kim  
**Cc:** UberWaymoMoFoAttorneys; BSF\_EXTERNAL\_UberWaymoLit; Uber-sg@LISTS.SUSMANGODFREY.COM; Matthew Cate; QE-Waymo  
**Subject:** Waymo v. Uber Voir Dire

Andrea,

We will not be raising this issue in voir dire.

**ARTURO J. GONZÁLEZ**

Partner | Morrison & Foerster LLP

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[mofo.com](http://mofo.com) | [LinkedIn](https://www.linkedin.com/in/arturogonzalez) | [Twitter](https://twitter.com/arturogonzalez)

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**From:** Andrea P Roberts [mailto:[andreaproberts@quinnemanuel.com](mailto:andreaproberts@quinnemanuel.com)]  
**Sent:** Saturday, January 27, 2018 4:26 PM  
**To:** Gonzalez, Arturo J.; 'John Cooper'; Chang, Esther Kim  
**Cc:** UberWaymoMoFoAttorneys; BSF\_EXTERNAL\_UberWaymoLit; Uber-sg@LISTS.SUSMANGODFREY.COM; Matthew Cate; QE-Waymo  
**Subject:** RE: Waymo v. Uber Voir Dire

- External Email -

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Arturo,

I'm following up on my email below. Please let us know if Uber has made a decision on this issue.

Thanks,  
Andrea

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**From:** Andrea P Roberts  
**Sent:** Thursday, January 25, 2018 8:38 PM  
**To:** 'Gonzalez, Arturo J.' <[AGonzalez@mofo.com](mailto:AGonzalez@mofo.com)>; 'John Cooper' <[JCooper@fbm.com](mailto:JCooper@fbm.com)>; Chang, Esther Kim <[echang@mofo.com](mailto:echang@mofo.com)>  
**Cc:** UberWaymoMoFoAttorneys <[UberWaymoMoFoAttorneys@mofo.com](mailto:UberWaymoMoFoAttorneys@mofo.com)>; BSF\_EXTERNAL\_UberWaymoLit <[BSF\\_EXTERNAL\\_UberWaymoLit@BSFLLP.com](mailto:BSF_EXTERNAL_UberWaymoLit@BSFLLP.com)>; [Uber-sg@LISTS.SUSMANGODFREY.COM](mailto:Uber-sg@LISTS.SUSMANGODFREY.COM); Matthew Cate <[MCate@fbm.com](mailto:MCate@fbm.com)>; QE-Waymo <[gewaymo@quinnemanuel.com](mailto:gewaymo@quinnemanuel.com)>  
**Subject:** RE: Waymo v. Uber Voir Dire

Arturo,

Has Uber decided whether it will raise in voir dire whether the potential jurors have any views if a witness invokes the Fifth Amendment?

Thanks,  
Andrea

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**From:** Gonzalez, Arturo J. [<mailto:AGonzalez@mofo.com>]  
**Sent:** Sunday, November 26, 2017 7:29 PM  
**To:** 'John Cooper' <[JCooper@fbm.com](mailto:JCooper@fbm.com)>; Chang, Esther Kim <[echang@mofo.com](mailto:echang@mofo.com)>  
**Cc:** Andrea P Roberts <[andreaproberts@quinnemanuel.com](mailto:andreaproberts@quinnemanuel.com)>; UberWaymoMoFoAttorneys <[UberWaymoMoFoAttorneys@mofo.com](mailto:UberWaymoMoFoAttorneys@mofo.com)>; BSF\_EXTERNAL\_UberWaymoLit <[BSF\\_EXTERNAL\\_UberWaymoLit@BSFLLP.com](mailto:BSF_EXTERNAL_UberWaymoLit@BSFLLP.com)>; [Uber-sg@LISTS.SUSMANGODFREY.COM](mailto:Uber-sg@LISTS.SUSMANGODFREY.COM); Matthew Cate <[MCate@fbm.com](mailto:MCate@fbm.com)>; QE-Waymo <[qewaymo@quinnemanuel.com](mailto:qewaymo@quinnemanuel.com)>  
**Subject:** Waymo v. Uber Voir Dire

Andrea,

We have not made a final decision on whether to raise this issue in voir dire. As of now, the Court has told the parties not to mention it in opening statement. If we plan to raise it in voir dire, we will let you know.

Arturo

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**From:** John Cooper [<mailto:JCooper@fbm.com>]  
**Sent:** Sunday, November 26, 2017 5:06 PM  
**To:** Chang, Esther Kim  
**Cc:** Andrea P Roberts; UberWaymoMoFoAttorneys; BSF\_EXTERNAL\_UberWaymoLit; [Uber-sg@LISTS.SUSMANGODFREY.COM](mailto:Uber-sg@LISTS.SUSMANGODFREY.COM); Matthew Cate; QE-Waymo  
**Subject:** Re: Waymo v. Uber Voir Dire

Esther

Please respond to Andrea's email of November 15 below. Thank you.

John

John L. Cooper  
Farella Braun + Martel LLP  
Direct: 415 954 4410  
[jcooper@fbm.com](mailto:jcooper@fbm.com)

On Nov 26, 2017, at 4:51 PM, Chang, Esther Kim <[echang@mofo.com](mailto:echang@mofo.com)> wrote:

Apologies. We thought the meet and confer at 4:30 pm was cancelled, in light of our response regarding the Jacobs letter and John's email cancelling the meet and confer.

On Nov 26, 2017, at 4:46 PM, Andrea P Roberts <[andreaproberts@quinnemanuel.com](mailto:andreaproberts@quinnemanuel.com)> wrote:

- External Email -

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Counsel,

We were on the line with John for the 4:30 meet and confer, but no one from Uber's side that was prepared to discuss this issue joined the call. There is another meet and confer scheduled for tomorrow. Please provide a response to my November 15 email on this issue before that time.

Thanks,  
Andrea

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**From:** John Cooper [<mailto:JCooper@fbm.com>]  
**Sent:** Sunday, November 26, 2017 3:49 PM  
**To:** Andrea P Roberts <[andreaproberts@quinnemanuel.com](mailto:andreaproberts@quinnemanuel.com)>  
**Cc:** UberWaymoMoFoAttorneys <[UberWaymoMoFoAttorneys@mofo.com](mailto:UberWaymoMoFoAttorneys@mofo.com)>;  
BSF\_EXTERNAL\_UberWaymoLit <[BSF\\_EXTERNAL\\_UberWaymoLit@BSFLLP.com](mailto:BSF_EXTERNAL_UberWaymoLit@BSFLLP.com)>; [Uber-sg@LISTS.SUSMANGODFREY.COM](mailto:Uber-sg@LISTS.SUSMANGODFREY.COM); Matthew Cate <[MCate@fbm.com](mailto:MCate@fbm.com)>; QE-Waymo  
<[gewaymo@quinnemanuel.com](mailto:gewaymo@quinnemanuel.com)>  
**Subject:** Re: Waymo v. Uber Voir Dire

Counsel

Notwithstanding my previous message removing the 4:30 meet and confer, in light of Andrea's message we will meet and confer at 4:30. Call in 888-759-6039 access 415-954-4410.

John

John L. Cooper  
Farella Braun + Martel LLP  
Direct: 415 954 4410  
[jcooper@fbm.com](mailto:jcooper@fbm.com)

On Nov 26, 2017, at 3:45 PM, Andrea P Roberts <[andreaproberts@quinnemanuel.com](mailto:andreaproberts@quinnemanuel.com)> wrote:

I understand that there is a meet and confer today at 4:30 pm. We would like to discuss this issue on that call.

Thanks.

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**From:** Andrea P Roberts  
**Sent:** Wednesday, November 22, 2017 9:45 AM  
**To:** UberWaymoMoFoAttorneys  
<[UberWaymoMoFoAttorneys@mofo.com](mailto:UberWaymoMoFoAttorneys@mofo.com)>;  
BSF\_EXTERNAL\_UberWaymoLit  
<[BSF\\_EXTERNAL\\_UberWaymoLit@BSFLLP.com](mailto:BSF_EXTERNAL_UberWaymoLit@BSFLLP.com)>; [Uber-sg@LISTS.SUSMANGODFREY.COM](mailto:Uber-sg@LISTS.SUSMANGODFREY.COM)  
**Cc:** QE-Waymo <[gewaymo@quinnemanuel.com](mailto:gewaymo@quinnemanuel.com)>  
**Subject:** RE: Waymo v. Uber Voir Dire

Counsel,

Can you please provide a response to my email below?

Thanks,  
Andrea

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**From:** Andrea P Roberts  
**Sent:** Wednesday, November 15, 2017 2:33 PM  
**To:** UberWaymoMoFoAttorneys  
<[UberWaymoMoFoAttorneys@mofo.com](mailto:UberWaymoMoFoAttorneys@mofo.com)>;  
BSF\_EXTERNAL\_UberWaymoLit  
<[BSF\\_EXTERNAL\\_UberWaymoLit@BSFLLP.com](mailto:BSF_EXTERNAL_UberWaymoLit@BSFLLP.com)>; [Uber-sg@LISTS.SUSMANGODFREY.COM](mailto:Uber-sg@LISTS.SUSMANGODFREY.COM)  
**Cc:** QE-Waymo <[qewaymo@quinnemanuel.com](mailto:qewaymo@quinnemanuel.com)>  
**Subject:** Waymo v. Uber Voir Dire

Counsel,

I write to follow up on the parties' discussion at the September 27 Pretrial Conference regarding voir dire. Specifically, Waymo and the Court asked Uber if it will raise in voir dire whether the potential jurors have any views if a witness invokes the Fifth Amendment. This arose in connection with whether Waymo will be permitted to tell the jury in its opening statement that Levandowski will plead the Fifth. (9/27/17 Hearing Tr., 147:15-150:17.) Please let us know if Uber intends to do so.

Thanks,

Andrea

**Andrea Pallios Roberts**  
*Of Counsel,*  
Quinn Emanuel Urquhart & Sullivan, LLP

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Farella Braun + Martel LLP

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